



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2308305  
**Applicant Name:** Sandy Dinsmore for Glover Homes  
**Address of Proposal:** 5115 40<sup>th</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three (3) lots (unit lot subdivision). Proposed lot sizes are: A) 3,134 square feet, B) 1,567 square feet; and C) 1,566 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: demolish existing single-family residence and establish use as and construct one (1) three (3) unit townhouse structure and occupy per plan all under MUP No. 2307522 Permit No. 740111.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots as a unit subdivision.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

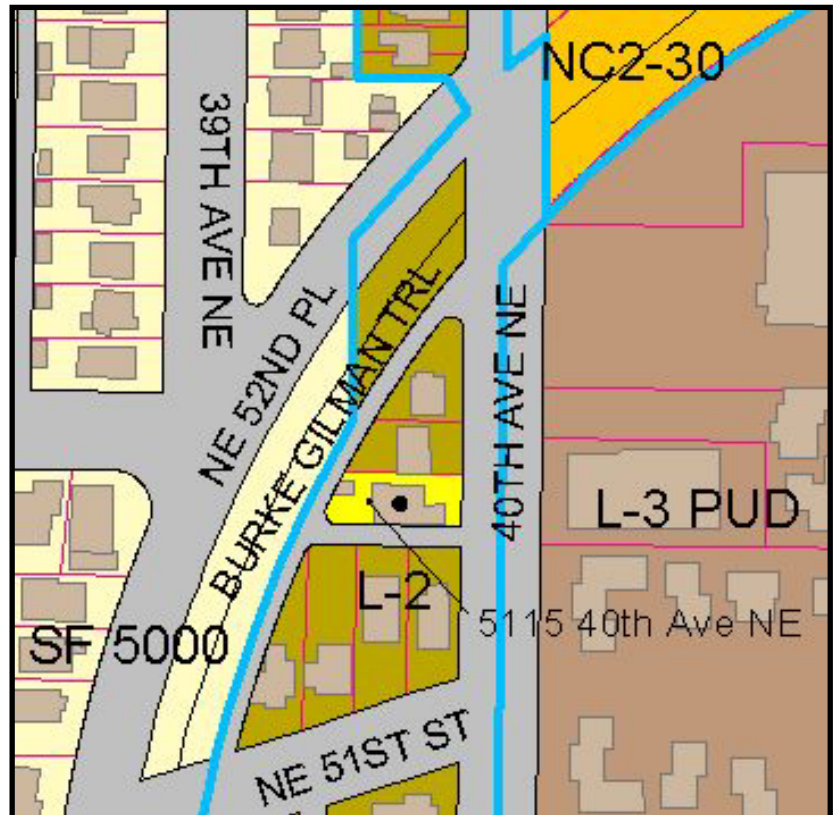
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Description**

The approximately 3,645 square foot property is located between NE 52<sup>nd</sup> PL and 40<sup>th</sup> Ave NE in the lower Sandpoint area of Seattle. Pedestrian access to the site is via 40<sup>th</sup> Ave NE., which is paved and improved with sidewalks, concrete curbs, gutters, and planting strips on both sides of the street. Vehicle access is via the fifteen (15') foot alley that abuts the southern and western property lines. The proposed townhouse structure was reviewed for applicable code compliance, all under MUP No. 2307522 Permit No. 740111. The existing single-family residence will be demolished.

The subject lot is zoned Multi-family Lowrise 2 (L2). In the immediate vicinity to the north and west surrounding lots are zoned single-family (SF 5000) and L2. To the south lots are also zoned L2. In the immediate vicinity to the north and west development consists mostly of one and two-story single-family dwelling units with some small scale multi-family structures in the immediate vicinity to the south, which are all consistent with the Land Use Code. To the east, lots are zoned lowrise three PUD (L3-PUD) Planned Unit Development. The development in the L3-PUD consists of medium scale multifamily low income housing structures.



### **Proposal**

The proposal is to subdivide one parcel into three (3) unit subdivision lots with vehicle access provided via the fifteen (15) foot concrete surface alley which abuts the southern property line. The new three-unit townhouse structure has been reviewed for applicable code compliance under MUP No. 2307522 Permit No. 740111. The three new townhouse units will have parking within each unit. Proposed lot sizes are as indicated in the summary above. Unit lot A has direct pedestrian access to 40<sup>th</sup> Ave NE. Unit lots B and C will have pedestrian access to 40<sup>th</sup> Ave NE via the abutting concrete 15' alley which is perpendicular to 40<sup>th</sup> Ave NE (see graphic above).

Public Comments

The comment period for this proposal ended on January 7<sup>th</sup> 2004. During the public comment period, DPD received no written comments for the project.

**ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 2 (L2) use. The allowable density of the subject property is one unit per one-thousand-two-hundred (1,200) square

feet of lot area. Given a lot area of approximately 3,645 square feet, three (3) units are allowed and three (3) are proposed. Maximum lot coverage is fifty (50%) percent, in this case forty-five (45%) percent is proposed. Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is fifteen (15') feet and the minimum is five (5') feet. The minimum side setback is five (5') feet; the actual required setback is based on the height of the facade adjacent to the side property line. Rear setback is twenty-five (25') feet or twenty (20) percent of the lot depth, in no case less than fifteen (15') feet, in this case it is 21.7' measured from centerline of the fifteen (15) foot alley that abuts the rear property line. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement over the north 6' of proposed unit lots A, B and C in order to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 17<sup>th</sup>, 2003 (WAC ID No. 2003-1368). There is an eight (8") inch standard water main located in 40<sup>th</sup> Ave NE. which serves the site.

The existing house located upon the proposed unit lot subdivision is connected by means of a shared sidesewer, also serving the property to the north, addressed as 5117 – 40<sup>th</sup> Ave NE, to an 8-inch public sanitary sewer (PSS) located in 40<sup>th</sup> Ave NE. This mainline was originally constructed as a combined sewer, and as such, there are likely to be downspouts and catch basins, still discharging to what is now considered, for the purposes of redevelopment, sanitary sewer.

As noted above, this area has been separated with the construction of a 54-inch public storm drain (PSD) on the far side of 40<sup>th</sup> Ave NE. This mainline discharges to a Designated Receiving Water.

Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least seven caliper (7") inches of trees be planted or preserved on site. The tree requirement was reviewed under MUP No. 2307522 Permit No. 740111.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One three-unit townhouse structure on the subject site is currently being developed on site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2307522 Permit No. 740111. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would

create any nonconformity of proposed Lots A, B, and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

### Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 2 (L2) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
5. Post an address sign to benefit all units at a location visible from 40<sup>th</sup> Avenue NE and provide an easement, covenant, or any other legal agreements to ensure that the address signage is maintained.

Signature: (signature on file) Date: March 1, 2004  
Lucas DeHerrera, Land Use Planner  
Department of Planning and Development

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